THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.28828 of 1995

DATED: 20-03-2006

Between:

L.M.Konda Reddy and others . . .Petitioners

And

Govt. of AP and others . . .Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.28828 of 1995

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O R D E R:

This writ petition is filed by the claimants in O.Ps for issuance of mandamus directing the respondents to deposit the compensation amount as awarded by the reference Court to the credit of the O.Ps by declaring the inaction on their part in depositing the compensation amount as per G.O.Rt.No.346, dated 24-05-1995, as arbitrary and illegal.

It is the claim of the petitioners that though under G.O.Rt.No.324, dated 18-05-1995, sanction orders were passed for depositing the compensation amount covered by the O.Ps, the respondents failed to deposit the same.

Pending the writ petition, they filed WPMP.No.36814 of 1997 stating that certain amounts have been deposited to the credit of the O.Ps and therefore, they may be permitted to withdraw the amounts so deposited. This Court by an order, dated 18-12-1997, permitted the petitioners to move an application before the same Court for getting the compensation amount released in their favour, and directed the learned Judge to pass appropriate orders on the said application unmindful of the fact that the writ petition is pending before this Court.

Learned Government Pleader submits that as per G.O.Rt.No.346, dated 24-05-1995, certain amounts were already deposited and the same were withdrawn by the petitioners.

Having regard to the said fact, if any further amounts are due to the petitioners, it is always open for them to move the executing Court for due execution of the decree and the award passed by the lower Court. As and when such Execution Petition is filed, the executing Court has to proceed with the matter in the light of the directions issued by this Court for attaching necessary property for due recovery of the amount.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

20th MARCH, 2006.

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